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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,361	03/22/2004	Helen A. Cunningham	SUNMP242	3944
32291	7590	02/14/2006		
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER WALLING, MEAGAN S	
			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/807,361	Applicant(s) CUNNINGHAM, HELEN A.	
	Examiner Meagan S. Walling	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3 and 17-25 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-12 is/are rejected.
- 7) ☒ Claim(s) 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 and 4-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Feintuch et al. (US 2005/0058021).

Regarding claim 1, Feintuch et al. teaches transmitting an identifiable acoustic signal by a transmitter device defined on a source, the source being placed within an acoustic mentoring area (par 33); receiving the acoustic signal from the transmitting device defined on the source by at least two sensors (par 55); processing a received acoustic signal, the processing using data from at least two sensors (par 36); identifying an approximate localized point in the acoustic monitoring area, the approximate localized point defining a physical location of the source (par 36); and reporting the physical location of the source over a network (par 65).

Regarding claim 4, Feintuch et al. teaches that each sensor of the at least two sensors is a microphone (par 33).

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Regarding claim 5, Feintuch et al. teaches that the operation of processing the received acoustic signal is an arrival-time correlation process, distributed sensor/time of flight process, or an echolocation process (par 57).

Regarding claim 6, Feintuch et al. teaches that the approximate locale of the source is determined by an acoustic signal processor (par 36).

Regarding claim 7, Feintuch et al. teaches that the physical location of the source is reported out-of-band (par 12).

Regarding claim 8, Feintuch et al. teaches that the physical location of the source is reported using wireless technology (par 12).

Regarding claim 9, Feintuch et al. teaches an acoustic environment configured to include the source (par 65); a transmitter device for transmitting streams of acoustic signals, the transmitter device being defined on the source (par 33); at least a pair of compact sensors for detecting and capturing the streams of acoustic signals transmitted by the transmitter device (par 55); and a signal processor for receiving and processing captured streams of acoustic signals so as to ascertain the physical location of the source (par 36).

Regarding claim 10, Feintuch et al. teaches that the physical location is ascertained using an arrival-time correlation process (par 66).

Regarding claim 11, Feintuch et al. teaches a computer console for processing and displaying a location of the source in the acoustic environment (par 11).

Regarding claim 12, Feintuch et al. teaches that the pair of compact sensors is a pair of microphones (par 33).

***Allowable Subject Matter***

2. Claims 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if rewritten to overcome claim informalities discussed above.

The following is a statement of reasons for the indication of allowable subject matter:

Please see previous office actions for reasons for allowance

3. Claims 2, 3, and 17-25 are allowed.

The following is an examiner's statement of reasons for allowance:

Please see previous office action and applicant's response for reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

Applicant's arguments filed 1/20/06, with respect to the rejection(s) of claim(s) 1 and 9 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made above.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S. Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw

**BRYAN BUI**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Bryan Bui', written in a cursive style.